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PTO/SB/64 (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

ESI-116-B

First named inventor: Patrick F. Leonard

Application No.: 09/680,342

Art Unit: 2882

Filed: October 5, 2000

Examiner: C. Kao

Title: METHOD AND APPARATUS FOR EVALUATING INTEGRATED
CIRCUIT PACKAGES HAVING THREE DIMENSIONAL FEATURES

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1330.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Notice of Appeal and fee (identify type of reply):

☒ has been filed previously on July 28, 2003.

☐ is enclosed herewith.

B. The issue fee of \$ _____.

☐ has been paid previously on _____.

☐ is enclosed herewith.

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[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete,
including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments
on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent
and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THE
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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

OCTOBER 6, 2003

Date

Signature

Telephone

Number: 248-649-3333

Thomas E. Bejin

Typed or printed name

3001 West Big Beaver Rd. Suite 624

Address

Troy, MI 48084

Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

October 7, 2003

Date

Signature

Thomas E. Bejin

Type or printed name of person signing certificate

Our Reference: ESI-116-B



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Patrick F. Leonard
Serial No. 09/680,342
Filing Date: October 5, 2000
Examiner/Art Unit C. Kao/2882
Title: METHOD AND APPARATUS FOR EVALUATING
INTEGRATED CIRCUIT PACKAGES HAVING THREE
DIMENSIONAL FEATURES

STATEMENT ESTABLISHING UNINTENTIONAL DELAY

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant, by and through his attorneys, hereby seeks revival of the above-identified Application. Neither the assignor nor the assignee of the instant Application had or has any intention of abandoning this Application, nor did Applicant's attorney have any intention of abandoning this Application at any time. Furthermore, the entire delay in filing the required reply from the due date for the reply until the filing of the instant petition was unintentional.

The present Application became abandon because of a mistake in docketing the time period for filing the Notice of Appeal. The time period was inadvertently docketed based on the mailing date of the Advisory Action, rather than the date of the final Office Action.

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OFFICE OF PETITIONS

A final Office Action in the case was mailed on January 2, 2003. Applicant filed a response to the Office Action on February 26, 2003. Thereafter, Applicant received an Advisory Action, dated March 28, 2003, notifying him that the proposed amendments set forth in his response of February 26, 2003, would not be entered. It was at this point that the mistake in docketing the time period for filing the Notice of Appeal occurred. The time period for filing the Notice of Appeal was inadvertently calculated based on the date of the Advisory Action, rather than the date of the final Office Action. The mistake is reflected in Applicant's Request for a One Month Extension of Time (a copy of which is enclosed herewith), wherein the date of the final Office Action is denoted as being March 28, 2003, which is actually the date of the Advisory Action.

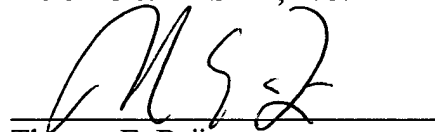
Based on the mistaken belief that the time period for filing the Notice of Appeal commenced on March 28, 2003, Applicant filed his Notice of Appeal on July 24, 2003, along with a request for a one month extension of time and the corresponding extension of time fee. Applicant has since discovered that because the Notice of Appeal was filed more than six months after the date of the final Office Action that the Application has gone abandoned. As a consequence, Applicant is hereby requesting revival of the instant Application.

Applicant respectfully submits that when the totality of the circumstances are considered it should be clear that revival of this Application is warranted. In accordance with 37 CFR 1.137(b)(1), Applicant previously submitted for filing the Notice of Appeal along with the

appropriate fee on July 24, 2003. Accordingly, Applicant respectfully requests that the instant Application be revived.

Respectfully submitted,

YOUNG & BASILE, P.C.

A handwritten signature in black ink, appearing to read 'MS2', is written over a horizontal line.

Thomas E. Bejin

Attorney for Applicant(s)

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Dated: October 6, 2003
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